

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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**In re: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION**

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) **MDL No. 1456**  
) **Master File No. 01-CV-12257-PBS**

**THIS DOCUMENT RELATES TO:**

) **Hon. Patti B. Saris**  
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) *State of South Carolina v. Dey, L.P. f/k/a Dey*  
) *Laboratories*, Case Nos. 1:07-CV-10290-PBS & 1:07-  
) CV-10293-PBS  
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**PROPOSED ORDER OF DISMISSAL**

Pursuant to Rule 41(a) of the Rules of Civil Procedure, the State of South Carolina (the "State") and Dey L.P. ("Dey") have filed a Stipulation of Dismissal as to the claims asserted by the State against Dey in both *State of South Carolina, et al. v. Dey, L.P., f/k/a Dey Laboratories* (Case No. 06-CP-40-4392) and *State of South Carolina, et al. v. Dey, L.P., f/k/a Dey Laboratories* (Case No. 06-CP-40-4397). Upon due consideration of the Stipulation and the papers on file in this action,

**IT IS HEREBY ORDERED** that, consistent with the terms of the April 14, 2009 Settlement Agreement and Release (the "Settlement Agreement") between the State and Dey, all claims asserted on behalf of the State and/or its various agencies, departments and instrumentalities against Dey concerning the Covered Conduct as defined in Paragraph 3 of the Settlement Agreement shall be dismissed with prejudice, each party shall bear its own costs except as otherwise provided for in the Settlement Agreement, and all rights of appeal waived.

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Patti B. Saris, J.  
United States District Court